

# ORDER

## In the County Court Business Centre Online Civil Money Claims

Case number:  
352MC733

<b>Parties</b>	JAN CLARK	Claimant
	MARY RICHARDS	Defendant

**Warning: you must comply with the terms imposed upon you by this order: otherwise your case is liable to be struck out or some other sanction imposed. If you cannot comply you are expected to make formal application to the court before any deadline imposed upon you expires.**

On 22nd February 2017

District Judge Jonathon Smith sitting at County Court Business Centre heard a representative of the Claimant and of the Defendant and

**ordered** that:

UPON the court drawing the parties attention to the fact that this case is allocated to the Fast track and that the informality of the Small Claims Track is absent from the Fast Track and further directing the parties the Ministry of Justice web site for copies of the Civil Procedure Rules and referring the parties to the Advice Now web site.

AND UPON the court advising the parties of the effect of Civil Procedure Rule 32.10

- 1) The Claim is allocated to the Fast Track.
- 2) At all stages the parties must consider settling this litigation by any means of Alternative Dispute Resolution (including Mediation); any party not engaging in any such means proposed by another is to serve a witness statement giving reasons within 21 days of receipt of that proposal. That witness statement must not be shown to the trial judge until questions of costs arise.
- 3) Disclosure of documents will be dealt with as follows:
  - a) By 4pm on 22nd March 2017 both parties must send to the other all the documents that they intend to rely on or mention in any way at the trial of this case.
  - b) At the same time both parties shall request in writing any documents that they wish the other party to disclose to them.
  - c) Any such request unless objected to must be complied with within fourteen days of the request.

- 4) Evidence of fact will be dealt with as follows:
  - a) By 4pm on 19th April 2017 both parties must serve on each other copies of the signed statements of themselves and of all witnesses on whom they intend to rely including themselves and all notices relating to evidence, including Civil Evidence Act notices.
  - b) Oral evidence will not be permitted at trial from a witness whose statement has not been served in accordance with this order or has been served late, except with permission from the Court.
  - c) If a witness is unable to read the statement in the form produced to the court, the statement must include a certificate that it has been read or interpreted to the witness by a suitably qualified person. If a witness who has made a statement is to give evidence or be cross-examined and is unable to do so in spoken English (or Welsh if the hearing is in Wales), the party relying on that witness must ensure that a suitable independent interpreter is available.
- 5) Witness statements must:
  - a) Start with the name of the case and the claim number;
  - b) State the full name and address of the witness;
  - c) Set out the witness's evidence clearly in numbered paragraphs on numbered pages;
  - d) End with this paragraph: 'I believe that the facts stated in this witness statement are true.' (or words to that effect); and
  - e) be signed by the witness and dated.
- 6) No permission is given for expert evidence.
- 7) The trial will be listed as follows:
  - a) By 4pm on 28th June 2017 pre-trial check lists must be sent to the court.
  - b) The matter be listed for trial first open date after 24th July 2017
  - c) The estimated length of trial is one day.
- 8) Not more than seven nor less than three clear days before the trial, the Claimant must file at court and serve an indexed and paginated bundle of documents which complies with the requirements of Rule 39.5 Civil Procedure Rules and Practice Direction 39A. The parties must endeavour to agree the contents of the bundle before it is filed. The bundle will include a case summary and a chronology.